

DOCKET NO 146800  
Serial No. 10/655,988  
Supplement to Protest to Reissue of U.S. Pat 5,405,911

RECEIVED  
CENTRAL FAX CENTER  
APR 20 2004

## UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Handlin, Jr. et al.

For: Butadiene Polymers Having Terminal Functional Groups

Serial No.: 10/655,988

Application to Reissue US. Pat. 5,405,911:

Filing Date: Sept. 4, 2003

Examiner

Notice of Reissue Application Published in O.G. : December 23, 2003

I hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark Office  
on April 20, 2004

Michael B. Fein  
Michael B. Fein, Reg. 25,333

Mail Stop: Reissue  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

## SUPPLEMENT TO PROTEST

This paper supplements the Protest to the above-referenced Reissue Application which was filed by the undersigned on February 23, 2004.

Submitted herewith is a Declaration of Dr. Roderic P. Quirk, a Professor of Polymer Science at the University of Akron. In his declaration Dr. Quirk states that he has reviewed the reissue applicants' claim the melt viscosity of their claims polybutadienes are unexpectedly small but in Dr. Quirk's view, "the observations of lower viscosities for the polymers in the patent relative to the allegedly analogous commercial polymers is not unexpected; in fact, it is expected based on basic principles of polymer science" which Dr. Quirk explains in his declaration.

For these reasons and the reasons set forth in the Protest filed on February 23, 2004 and the previous filed declaration of Dr. Taejun Yoo of January 19, 2004, the invention set forth in

DOCKET NO 146800  
Serial No. 10/655,988  
Supplement to Protest to Reissue of U.S. Pat 5,405,911

the reissue claims is both anticipated and obvious over prior art and well-known principals of chemistry.

Respectfully submitted

*Michael B. Fein*

Michael B. Fein, Reg. 25,333

Cozen O'Connor PC  
1900 Market St.  
Philadelphia, PA 19103  
Phone 215 665-4622  
Facsimile 215 791-2246

DOCKET NO 146800  
Serial No. 10/655,988  
Supplement to Protest to Reissue of U.S. Pat 5,405,911

Certificate of Service

I hereby certify that this paper is being served today, April 20, 2004, as follows:

1. By mailing a true and correct copy of this document and exhibits to Gene L. Tyler, Madan, Mossman & Sriam, 2603 Augusta, Suite 700, Houston, TX 77057 by first class mail with proper postage affixed.
2. By facsimile to the USPTO central fax number (703 872-9306) today

Michael B. Fein  
Michael B. Fein

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

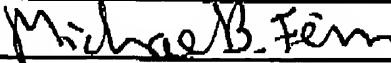
Total Number of Pages In This Submission

|  |               |
|--|---------------|
| Application Number                       | 10655,988     |
| Filing Date                              | Sept. 4, 2003 |
| First Named Inventor                     | Handlin       |
| Art Unit                                 |               |
| Examiner Name                            |               |
| Total Number of Pages In This Submission | 146800        |

### ENCLOSURES (check all that apply)

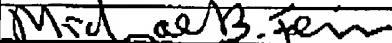
|  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input checked="" type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Supplement to Protest to Reissue of US Pat. 5,405,911 including declaration of Dr. Roderick Quirk |
| Remarks  |   |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |
|-------------------------|---|
| Firm or Individual name | Michael B. Fein   |
| Signature               |  |
| Date                    | April 20, 2004  |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |   |
|-----------------------|---|
| Typed or printed name | Michael B. Fein   |
| Signature             |  |
| Date                  | April 20, 2004  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.*